

**TOWN OF SCITUATE  
SPECIAL TOWN MEETING  
NOVEMBER 14, 2018  
WARRANT**

**COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS**

To either of the constables of the Town of Scituate, in said County

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Gymnasium at Scituate High School, 606 Chief Justice Cushing Highway on

**WEDNESDAY, NOVEMBER 14, 2018 NEXT**

**At seven o'clock in the evening, then and there to act on the following articles:**

**WARRANT**

Plymouth ss.

TO: Either of the Constables of the Town of Scituate

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Scituate qualified to vote in elections and Town affairs that a SPECIAL TOWN MEETING will be held in the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on Wednesday, the 14th day of November, 2018, at 7:00 p.m. or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting members then and there to meet and act on the following Articles:

**ARTICLE 1. Unpaid Bills**

To see if the Town will vote to transfer the sum of \$4,584.24, or a greater or lesser sum, for the purpose of paying Fiscal Year 2017-2018 unpaid bills, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 2. Town Share of Grants**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$166,000.00., or a greater or lesser sum, for the purpose of providing town share matches to awarded grants, or take any other action relative thereto:

<u>GRANT</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
Municipal Vulnerability Grant	\$26,000.00	Sewer Enterprise Retained Earnings
SRF Seawall & Dam Repair Fund – Reservoir Dam	\$70,000.00	Water Enterprise Retained Earnings

Seaport Economic Advisory Council Amendment  
to Marina Pilings Grant

\$70,000.00

Waterways Enterprise Retained Earnings

*Sponsored by: Board of Selectmen*

### ARTICLE 3. 2018 Storm Mitigation and Remediation Costs

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$1,000,000.00, or a greater or lesser sum, into the Stabilization Fund to replace amounts transferred to pay Fiscal Year 2018 bills associated with the March 2018 Storm Riley, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

### ARTICLE 4. Fiscal Year 2019 Budget Reconciliations

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$325,521.30**, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2019 Operating Budget pursuant to Articles 4 and 9 of the April 9, 2018 Annual Town Meeting warrant, or take any other action relative thereto:

TO	AMOUNT	REASON
Water Enterprise Repair & Maintenance 65450520.524200	\$200,000.00	To cover costs for ice pigging and flushing of mains.
Water Enterprise Technical Services 65450520.530900	\$75,000.00	To cover costs for a water system study.
Water Enterprise Regular Salaries 65450510.511000	\$50,000.00	To enable department to add an Assistant Water Supervisor.
Roadway Maintenance 1422540.543300	\$521.30	Town's share of ride share fees from Commonwealth.

*Sponsored by: Board of Selectmen*

### ARTICLE 5. Repairs to Water Treatment Plant

To see if the Town will vote to authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, or any other applicable law, \$1,253,000.00, to fund repairs at the water treatment plant, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

## **ARTICLE 6. FEMA Subsidized Repairs to Foreshore Structures - Design**

To see if the Town will vote to authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, or any other applicable law, \$4,000,000.00, to fund the design, engineering and permitting of repairs to foreshore structures and construction, if funds permit, caused by recent storms including the declared disasters of the 2012 Storm (Sandy), 2013 Blizzard (Nemo), 2015 Blizzard (Juno) and 2018 Blizzard (Riley) and further that such borrowing is to be reduced by reimbursements received from FEMA, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

## **ARTICLE 7. Community Preservation Act**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, with any excess to be appropriated from Community Preservation FY 2019 Estimated Receipts or Undesignated Funds. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1. \$80,000.00 From FY 2019 Estimated Receipts for Improvements at Roach Field
2. \$270,000.00 From FY 2019 Estimated Receipts to replace a Playground At Wampatuck School
3. \$500,000.00 From Open Space Reserve for Acquisition of Sunset Road/First Cliff property
4. \$109,000.00 From FY 2019 Estimated Receipts for Acquisition of Sunset Road/First Cliff property

Or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

## **ARTICLE 8. General Bylaw Amendment - Plastic Bag Reduction Bylaw**

To see if the Town will amend the General Bylaws by adding a new Section 32070 entitled "Plastic Bag Reduction Bylaw" as follows, or take any action related hereto.

### **Plastic Bag Reduction Bylaw**

#### **1. Purpose and Intent**

The production and use of thin-film, single-use plastic checkout bags have significant impacts on the environment, including but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities (Scituate does not recycle plastic bags); clogging storm drainage systems; requiring the use of millions of barrels of crude oil nationally for their manufacture; and plastic bags are not biodegradable so they gradually disintegrate into minute



particles which absorb toxins contaminating the food chain including the food humans eat.

The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and marine pollution, advancing solid waste reduction, protecting the Town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of the Town.

## **2. Definitions**

**"Checkout Bag"** means a bag with or without handles provided to a customer at the check stand, cash register, point of sale or other point of departure that is intended for the purpose of transporting food or merchandise out of the Establishment.

**"Single-use Plastic Checkout Bag"** means a single use plastic bag, including plastic bags labeled biodegradables, compostable, or photodegradable, provided to a customer by an establishment and used to transport merchandise from the establishment. Plastic carryout bags do not include those plastic bags, typically without handles, used to contain dry cleaning, newspapers, or small bags used to contain fish, meat, produce or other products provided to the consumer, free of charge, to deliver items to the point of sale.

**"Recyclable Paper Bag"** means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

**"Compostable Plastic Bag"** means a plastic bag that (1) conforms to the current ASTM D6400 for compostability as well as ASTM D7081 for biodegradability in the marine environment (2) is certified as meeting the ASTM D6400 and ASTM D7081 standard specification by a recognized verification entity or (3) conforms to any other standards deemed acceptable by this section.

**"Reusable Bag"** means a bag with stitched on handles that is made solely of, or in a combination of, natural cloths, synthetic fibers, or other washable material other than any type of polyethylene or polyvinyl chloride, and is durable, non-toxic, and specifically designed for multiple reuse (a minimum of 175 uses).

**"Product Bag"** means (1) a bag in which loose produce, bulk items, unwrapped baked goods or prepared food, or other products are placed by the consumer to deliver such items to the point of sale or check out area of the store, or (2) a bag that contains or wraps food to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Bag or Reusable Bag, (3) a bag without handles used to cover clothing such as dry cleaning bag, or (4) bags used to contain phonebooks, newspapers or magazines.

**"Store"** means any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

**"ASTM D6400"** means the American Society for Testing and Materials (ASTM) International

“Standard Specification for Compostable Plastics.”

“**ASTM D7081**” means ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment.”

### **3. Use Regulations**

3.1 No Store in the Town shall provide to any customer a Plastic Checkout Bag. Existing stock should be phased out within six months of March 1, 2019 and any remaining stock should be disposed of properly.

3.2 If a Store provides Checkout Bags, they may only provide Reusable, Recyclable or Compostable Bags.

3.3 If a store provides product bags to customers, the bag shall comply with the requirements of being either a Reusable, Recyclable or Compostable bag.

### **4. Administration and Enforcement**

4.1 The enforcement of this law is the responsibility of the Town Administrator/Board of Health, and may be enforced by any Town Police Officer or agent of the Board of Health and other individuals appointed by the Town Administrator.

4.2 A person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town’s non-criminal disposition bylaw. The following penalties apply:

- first violation: a written warning
- second violation: \$100 fine
- third violation \$200 fine
- fourth and subsequent violations \$300 fine
- Each day the violation continues constitutes a separate violation.

### **5. Effective Date**

This bylaw takes effect on March 1, 2019.

*Sponsored by: Board of Selectmen*

## **ARTICLE 9. General Bylaw Amendment – Capital Planning Committee**

To see if the Town will vote to amend the General Bylaws Section 20730 – Capital Planning Committee by adding deleting the word “four” and replacing it with the word “five”.

Or take any other action relative thereto.

*Sponsored by: Board of Selectmen*



#### **ARTICLE 10. Local Option Acceptance – Property Tax Exemptions Asset Limit Increase**

To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17C and 17D, by the percentage increase in the U.S. Department of labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2018, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

#### **ARTICLE 11. Local Option Acceptance – Property Tax Exemptions Limit Increase**

To see if the Town will vote to adjust the following factors under M.G.L. c. 59, § 5, Clause 41C to (1) lower the requisite age of eligibility to any person age 65 or older; (2) increase the amounts contained in subclause (B) of said first sentence whenever they appear in said subclause from \$13,000 dollars to \$20,000 dollars and from \$15,000 dollars to \$30,000 dollars; and (3) increase the amounts contained in subclause (C) of said first sentence whenever they appear in said subclause from \$28,000 dollars to \$40,000 dollars and from \$30,000 dollars to \$55,000 dollars, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

#### **ARTICLE 12. Local Option Acceptance – Property Tax Deferral Income Limit Increase**

To see if the Town will vote to amend the income limit for General Laws Chapter 59, Section 5, Clause 41A, to the maximum income limit in the State Circuit Breaker tax credit for single taxpayers effective for deferrals granted for any fiscal year beginning on or after July 1, 2018 or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

#### **ARTICLE 13. Community Choice Aggregation Enabling Legislation**

To see if the Town will vote to authorize the Board of Selectmen to research, develop and participate in a Community Choice Aggregation Program, including contract for electric supply for Scituate residents and businesses as per Massachusetts General Law 164, Section 134 of the Acts of 1997, or otherwise act thereon. This includes authorizing the Town Administrator to establish and/or appoint representatives for a committee to oversee such independent action, or take any other action relative thereto, and to execute all documents necessary to accomplish the same.

*By petition*

#### **ARTICLE 14. Community Choice Aggregation Resolution**

To see if the Town will vote to adopt the following A Non-Binding Resolution for Increased Use of Class I Renewable Resources through a Community Choice Aggregation Energy Program in the Town of Scituate.

BE IT RESOLVED, that Town Meeting urges the Board of Selectmen to initiate a process to develop a Community Choice Aggregation plan that includes as a goal the increased use of Class I renewable resources for the generation of electricity for Scituate participants.

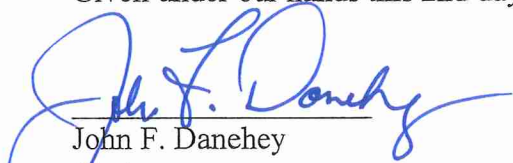
1. The Community Choice Aggregation plan shall increase (from the Commonwealth of Massachusetts' mandated requirement) participants' use of Class I renewable sources of electricity by a percentage of retail sales while keeping average household bills competitive relative to National Grid's basic service rate.
2. Further, the Community Choice Aggregation plan shall include, if feasible and appropriate, provisions that entitle participants to charitable deductions on their income tax filings to give consumers the additional benefit of potential tax savings.
3. The Community Choice Aggregation plan shall include clear and easily executed steps allowing consumers to opt out of, or later to opt in to the Aggregation program corresponding to the Community Choice Aggregation plan, with no penalty or other cost, and at any time.
4. That, in addition to all other requirements for notice in Massachusetts General Laws or regulations of the Department of Public Utilities, the Town of Scituate will communicate directly with citizens about Community Choice Aggregation program and its electricity service options as well as its opt-out provision.

*By petition*

And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices in Town and one at Town Hall fourteen (14) days at least before holding said meeting.

HEREOF fail not and make due return of the Warrant with your doings thereon unto the Town Clerk, on or before the time of holding said meeting

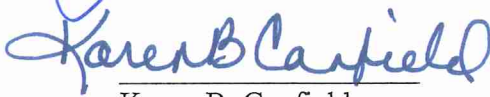
Given under our hands this 2nd day of October 2018



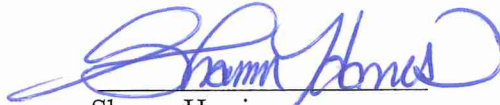
John F. Danehey  
Chairman



Maura C. Curran  
Vice-Chairman



Karen B. Canfield  
Clerk



Shawn Harris  
Member



Anthony V. Vagnani  
Member

**BOARD OF SELECTMEN  
TOWN OF SCITUATE**